UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:20-cv-388-MOC-WCM

JASON WHEELER,)	
Plaintiff,)	
v.)	<u>ORDER</u>
MARTIN O' MALLEY,)	
Commissioner of)	
Social Security,)	
Defendant.)	

THIS MATTER is before the Court on Plaintiff's Motion for Attorney's Fees, seeking fees in the amount of \$17,020.50 of Plaintiff's past due benefits, under the Social Security Act, 42 U.S.C. § 406(b). (Doc. No. 23). Plaintiff's attorney has been granted fees by this Court in the amount of \$3,700.00, under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. Defendant has filed a response, noting that, under <u>Gisbrecht v. Barnhart</u>, 535 U.S. 789 (2002), it is the duty of the Court to determine a reasonable fee.

Upon review of the materials, the Court finds that Plaintiff's request for attorney fees is reasonable. The motion for attorney fees is **GRANTED**. Therefore, it is ordered that Plaintiff's attorney may collect a fee of 25% of plaintiff's past due benefits. Plaintiff's attorney must refund to Plaintiff the EAJA award of \$3,700.00.

IT IS SO ORDERED.

Signed: February 21, 2024